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OFFICER: Jonathan Pena  
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**DISCLOSURE ADVISORY**

For the person named above, whom the People may call as a witness, please be advised as follows.

1. As of October 13, 2020, the New York City Civilian Complaint Review Board (CCRB) has a pending complaint reported on June 3, 2020 against Jonathan Pena alleging “Abuse of authority—Refusal to provide shield number,” arising from an incident on May 31, 2020.

On May 31, 2020 beginning at approximately 3:23pm, a man (hereinafter, “the complainant”) took part in a Black Lives Matter protest which marched through various locations in Manhattan. At various points in this trajectory, the complainant approached officers while filming on his cell phone and asked for some combination of their name and/or shield number. At approximately 4:08pm, near 46 Ridge Street, behind the 7<sup>th</sup> Precinct stationhouse building, the complainant approached Police Officer Pena and several other officers from the 7<sup>th</sup> Precinct standing nearby, all of whom wore mourning bands completely obscuring their shield numbers. In his CCRB testimony, PO Pena stated PO Pena testified that he was not aware of any guidelines or rules concerning the use of mourning bands. He further stated that mourning bands could slip while being worn and cover an officer’s shield number. When PO Pena demonstrated this during his interview, however, his mourning band did not slip so far down his shield that it covered his number. PO Pena stated that he did not initially hear Mr. Gilbert’s requests for his shield number and command, and that an officer nearby, whose name PO Pena did not recall, told him that the complainant was requesting them, at which point he provided that information. PO Pena testified that he was not aware that his mourning band was covering his shield when he interacted with the complainant, and that he did not discuss mourning bands with any other officers on that day. According to cell phone footage, PO Pena provided the information requested by the complainant. Despite this, the CCRB found that at the time of these interactions, PO Pena and the two other officers wore their mourning bands in a manner which covered their shield numbers. The CCRB noted that all three officers belonged to the same command and were assigned to stationary footposts near each other, as well as several other officers, in a line formation along the exterior of the 7<sup>th</sup> Precinct Stationhouse. The CCRB concluded that, “It is difficult to imagine that the officers’ mourning bands all moved, by accident and unbeknownst to them, in such a manner as to completely obscure each officer’s shield number.” The CCRB investigation therefore determined, based on a preponderance of the evidence, that the officers, including PO Pena, wore their mourning bands covering their shield numbers to hide this identifying information.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Two of these are online databases maintained by the New York City Police Department (NYPD) (<https://nypdonline.org/link/1026>) and the New York City Civilian Complaint Review Board (<https://www1.nyc.gov/site/ccrb/policy/MOS-records.page>).

Information in such databases about this officer is not necessarily included in this advisory. For some NYPD disciplinary matters in which a departmental trial was held for an officer, the decision in the trial is included in the NYPD database under the “Documents” tab for that officer.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: May 6, 2021